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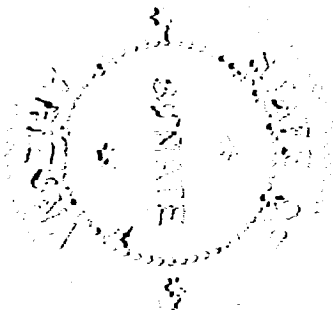
CHAPTER 296

HOUSE BILL 2560

AN ACT

AMENDING SECTIONS 11-876 AND 15-349, ARIZONA REVISED STATUTES; AMENDING SECTION 49-543, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2001, CHAPTER 324, SECTION 52; REPEALING SECTION 49-543, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2001, CHAPTER 371, SECTION 11; AMENDING SECTION 49-551, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2001, CHAPTER 229, SECTION 2; REPEALING SECTION 49-551, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2001, CHAPTER 371, SECTION 14; AMENDING TITLE 49, CHAPTER 3, ARTICLE 5, ARIZONA REVISED STATUTES, BY ADDING SECTION 49-551.01; PROVIDING FOR THE CONDITIONAL DELAYED REPEAL OF SECTION 49-551.01, ARIZONA REVISED STATUTES, AS ADDED BY THIS ACT; AMENDING SECTION 49-555, ARIZONA REVISED STATUTES; AMENDING LAWS 1988, CHAPTER 252, SECTION 27; BLENDING MULTIPLE ENACTMENTS; RELATING TO AIR QUALITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)



1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 11-876, Arizona Revised Statutes, is amended to
3 read:

4 11-876. Engine idling restrictions; exemptions; applicability;
5 civil penalty; definition

6 A. By July 1, 2002, a county that contains any portion of area A as
7 defined in section 49-451 shall adopt, implement and enforce ordinances that
8 place limits on the maximum idling time for engines that propel heavy-duty
9 diesel vehicles with a gross vehicle weight rating of more than fourteen
10 thousand pounds. The ordinances shall at least include exemptions for:

11 1. Certain types of vehicles, such as police, fire and other emergency
12 vehicles.

13 2. Certain types of situations such as traffic delays or the need for
14 a driver to sleep in the vehicle.

15 3. Certain types of equipment operations, such as refrigeration of
16 cargo.

17 B. A county with a population of less than one million two hundred
18 thousand persons shall adopt, implement and enforce the ordinances required
19 by this section only for those portions of the county that are located in
20 area A.

21 C. Any other county may adopt, implement and enforce ordinances that
22 comply with this section.

23 D. A driver who violates AN ORDINANCE ADOPTED PURSUANT TO this section
24 is subject to:

25 1. The imposition of a civil penalty of one hundred dollars for the
26 first violation.

27 2. The imposition of a civil penalty of three hundred dollars for a
28 second or any subsequent violation.

29 E. Ordinances adopted pursuant to this section may be enforced by a
30 county control officer or any law enforcement officer who is authorized to
31 enforce traffic laws. For violations of ORDINANCES ADOPTED PURSUANT TO this
32 section, ~~a control~~ AN officer shall use a uniform civil ticket and complaint
33 substantially similar to a uniform traffic ticket and complaint prescribed
34 by the rules of procedure in civil traffic cases adopted by the supreme
35 court. The ~~control~~ officer may issue citations to persons who violate AN
36 ORDINANCE ADOPTED PURSUANT TO this section.

37 F. In enforcing the ~~provisions of~~ ORDINANCES ADOPTED PURSUANT TO this
38 section, a county control officer or authorized law enforcement officer shall
39 only issue one citation per traffic stop or investigation of a driver whose
40 vehicle exceeds the maximum idling limits established pursuant to this
41 section.

42 G. For the purposes of this section, "idling" means the operation of
43 an engine in the operating mode where the engine is not engaged in gear,
44 where the engine operates at a speed at the revolutions per minute specified

1 by the engine or vehicle manufacturer for when the accelerator is fully
2 released and there is no load on the engine.

3 Sec. 2. Section 15-349, Arizona Revised Statutes, is amended to read:

4 15-349. Operation of motor vehicle fleet; options to
5 conventional fuels

6 A. The governing board of a school district with an average daily
7 membership as defined in section 15-901 of more than three thousand which is
8 located within or which has bus routes running within area A, as defined in
9 section 49-541, in a county with a population of more than one million two
10 hundred thousand persons according to the most recent United States decennial
11 census shall develop and implement, SUBJECT TO THE AVAILABILITY OF A STATE
12 AIR QUALITY FUNDING SOURCE, a vehicle fleet plan for VEHICLES WITH A GROSS
13 VEHICLE WEIGHT RATING OF AT LEAST SEVENTEEN THOUSAND FIVE HUNDRED POUNDS FOR
14 the purpose of encouraging and progressively increasing the use of
15 alternative fuels and clean burning fuels LISTED PURSUANT TO THIS SUBSECTION
16 in school district owned vehicles. The plan shall include a timetable for
17 increasing the use of alternative fuels and clean burning fuels in fleet
18 vehicles either through purchase or conversion. At a minimum, the
19 alternative fuel vehicles shall comply with any one of the following:

20 1. The United States environmental protection agency standards for low
21 emission vehicles pursuant to 40 Code of Federal Regulations section
22 88.104-94 or 88.105-94.

23 2. The vehicle engine is certified by the engine modifier to meet the
24 addendum to memorandum 1-A of the United States environmental protection
25 agency, as printed in the federal register, volume 62, number 207, October
26 27, 1997, pages 55635 through 55637.

27 3. The vehicle engine is the subject of a waiver for that specific
28 engine application from the United States environmental protection agency's
29 addendum to memorandum 1-A requirements and that waiver is documented to the
30 reasonable satisfaction of the department of commerce energy office.

31 8. The timetable shall reflect the following schedule and percentage
32 of vehicles which operate on alternative fuels and clean burning fuels:

33 1. At least five per cent of the total fleet by December 31, 2001.

34 2. At least fifteen per cent of the total fleet by December 31, 2002.

35 3. At least twenty-five per cent of the total fleet by December 31,

36 2003.

37 4. At least thirty-three per cent of the total fleet by December 31,

38 2004.

39 5. At least fifty per cent of the total fleet by December 31, 2005.

40 6. At least seventy-five per cent of the total fleet by December 31,

41 2006 and each year thereafter.

42 5. For the purpose of this section, "alternative fuel" and "clean
43 burning fuel" have the same meaning prescribed in section 1-215. THE PLAN
44 SHALL PROVIDE FOR AT LEAST FIFTY PER CENT OF THE FLEET WITH A GROSS VEHICLE

1 WEIGHT RATING OF AT LEAST SEVENTEEN THOUSAND FIVE HUNDRED POUNDS TO OPERATE
2 ON ANY OF THE FOLLOWING BY DECEMBER 31, 2004, AND EACH YEAR THEREAFTER:

3 1. ALTERNATIVE FUELS OR CLEAN BURNING FUELS AS DEFINED IN SECTION
4 1-215.

5 2. ULTRA LOW SULFUR DIESEL AS DEFINED IN SECTION 49-558.01 AND THAT
6 IS USED IN AN ENGINE WITH AN EMISSION CONTROL DEVICE.

7 3. VEHICLES POWERED BY AN ENGINE THAT MEETS OR EXCEEDS AN EMISSION
8 STANDARD FOR DIESEL PARTICULATE MATTER OF 0.05 GRAMS PER BRAKE HORSEPOWER
9 HOUR.

10 B. ENGINE RETROFITS OR CONVERSIONS MEET THE REQUIREMENTS OF SUBSECTION
11 A OF THIS SECTION IF THEY HAVE BEEN APPROVED FOR USE BY ANY ONE OF THE
12 FOLLOWING:

13 1. THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY VOLUNTARY
14 RETROFIT PROGRAM.

15 2. THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY VERIFICATION
16 PROTOCOL FOR RETROFIT CATALYST PARTICULATE FILTER AND ENGINE MODIFICATION
17 CONTROL TECHNOLOGIES FOR HIGHWAY AND NONROAD USE DIESEL ENGINES.

18 3. THE CALIFORNIA AIR RESOURCES BOARD DIESEL EMISSION CONTROL STRATEGY
19 VERIFICATION PROCEDURE.

20 4. SECTIONS 43100 AND 43102 OF THE HEALTH AND SAFETY CODE OF THE STATE
21 OF CALIFORNIA.

22 5. ACTUAL EMISSION TESTING PERFORMED ON THE VEHICLE.

23 C. THIS SECTION DOES NOT PRECLUDE A SCHOOL DISTRICT FROM USING ANY
24 LOCAL, FEDERAL OR PRIVATE FUNDING SOURCES THAT MAY BE AVAILABLE IN ORDER TO
25 COMPLY WITH THE REQUIREMENTS OF THIS SECTION.

26 Sec. 3. Section 49-543, Arizona Revised Statutes, as amended by Laws
27 2001, chapter 324, section 52, is amended to read:

28 49-543. Emissions inspection costs; disposition; fleet
29 inspection; certificates

30 A. The director shall fix, regulate and alter in accordance with this
31 section the fees required to be paid for the full costs of the vehicle
32 emissions inspection program pursuant to this article including
33 administration, implementation and enforcement.

34 B. Except as provided in section 49-542.05, for all the emissions
35 inspections prior to the sixth registration year after purchase or lease of
36 a new vehicle, the owner of the vehicle shall do one of the following:

37 1. Have the vehicle inspected pursuant to this article.

38 2. Pay a twenty-five dollar fee in area A and a nine dollar fee in
39 area B. The owner shall pay this fee together with the registration fee for
40 the vehicle to the registering officer. The registering officer shall
41 deposit, pursuant to sections 35-146 and 35-147, these fees in the Arizona
42 clean air QUALITY fund established by section ~~41-1516~~ 49-551. The
43 registering officer may enter into an intergovernmental agreement with
44 another department of this state to collect and deposit the fee. An owner
45 who chooses to have an emissions inspection pursuant to this article is not

1 required to pay the fee prescribed in this paragraph for that emissions test
2 cycle.

3 C. Except as provided in section 49-542.05, the registration renewal
4 notice required for the second through fifth registration year of a new
5 vehicle shall include a notice to the vehicle owner that even though an
6 emissions inspection test is not required pursuant to subsection ~~B~~ of this
7 section 49-542, SUBSECTION J, PARAGRAPH 2, SUBDIVISION (d) the owner may
8 choose to have an emissions inspection because of vehicle emissions
9 performance warranty limitations on emissions components of the vehicle.

10 D. The fees charged for official emissions inspection shall be uniform
11 as applied to each class of vehicle which shall be defined by the director.
12 Except for fees collected by the director pursuant to section 49-546, the
13 inspection fees required to be paid pursuant to this article may be collected
14 with the registration fee by the registering officer at the time and place
15 of motor vehicle registration pursuant to title 28, chapter 7, article 5 and
16 deposited, pursuant to sections 35-146 and 35-147, in the emissions
17 inspection fund in accordance with the rules adopted by the director or may
18 be collected by the independent contractor at the time of inspection by means
19 of an approved check or cash.

20 E. Any person, except a person who has been issued a certificate of
21 waiver pursuant to section 49-542, subsection L, whose vehicle has been
22 inspected at an official emissions inspection station shall, if the vehicle
23 was not found to comply with the minimum standards, have the vehicle
24 repaired, including recommended repair or replacement of emissions control
25 devices as a result of tampering, and have the right within sixty consecutive
26 calendar days but not thereafter to return the vehicle for one reinspection
27 without charge. The department may provide for additional reinspections
28 without charge. A vehicle shall not be deemed to pass a reinspection unless
29 the tampering discovered during the tampering inspection is repaired with new
30 or reconditioned emissions control devices.

31 F. The department shall issue certificates of inspection to owners of
32 fleet emissions inspection stations. Each certificate shall be validated by
33 the fleet emissions inspection stations in a manner required by the director
34 at the time that each owner's fleet vehicle has been inspected or has passed
35 inspection. The validated certificate of inspection shall indicate at the
36 time of registration that the owner's fleet vehicle has been inspected and
37 that the vehicle has passed inspection.

38 G. The director shall fix an emissions inspection fee before
39 inspection certificates may be issued to the owner of any fleet emissions
40 inspection station. Such fee shall be uniform for each inspection
41 certificate issued and shall be based upon the director's estimated costs to
42 the state of administering and enforcing the provisions of this article as
43 they apply to fleet emissions inspection stations and the vehicles inspected
44 in fleet emissions inspection stations. The director shall deposit, pursuant

1 to sections 35-146 and 35-147, all such monies collected by the director
2 pursuant to this article in the emissions inspection fund.

3 Sec. 4. Repeal

4 Section 49-543, Arizona Revised Statutes, as amended by Laws 2001,
5 chapter 371, section 11, is repealed.

6 Sec. 5. Section 49-551, Arizona Revised Statutes, as amended by Laws
7 2001, chapter 229, section 2, is amended to read:

8 49-551. Air quality fee; air quality fund; purpose

9 A. Every person who is required to register a motor vehicle in this
10 state pursuant to section 28-2153 shall pay, in addition to the registration
11 fee, an annual air quality fee at the time of vehicle registration of one
12 dollar fifty cents. Unless and until the United States environmental
13 protection agency grants a waiver for diesel fuel pursuant to section
14 211(c)(4) of the clean air act, every person who is required to register a
15 diesel powered motor vehicle in this state with a gross vehicle weight rating
16 of more than eight thousand five hundred pounds pursuant to section 28-2153
17 and every person who is subject to an apportioned fee for diesel powered
18 motor vehicles collected pursuant to title 28, chapter 7, articles 7 and 8
19 shall pay an additional apportioned diesel fee of ten dollars.

20 B. The registering officer shall collect the fees and immediately
21 deposit, pursuant to sections 35-146 and 35-147, the air quality fees in the
22 air quality fund established pursuant to subsection C of this section and
23 shall deposit the diesel fees in the voluntary vehicle repair and retrofit
24 program fund established pursuant to section 49-474.03.

25 C. An air quality fund is established consisting of monies received
26 pursuant to this section, SECTION 49-543, gifts, grants and donations, and
27 monies appropriated by the legislature. The department of environmental
28 quality shall administer the fund. ~~Monies appropriated for purposes~~
29 ~~prescribed by paragraph 6 of this subsection and gifts, grants and donations~~
30 ~~designated for purposes prescribed by paragraph 6 of this subsection shall~~
31 ~~be accounted for in one separate account within the fund. MONIES IN THE FUND~~
32 ~~ARE EXEMPT FROM THE PROVISIONS OF SECTION 35-190 RELATING TO THE LAPSING OF~~
33 ~~APPROPRIATIONS. INTEREST EARNED ON MONIES IN THE FUND SHALL BE CREDITED TO~~
34 ~~THE FUND. MONIES IN THE FUND THAT ARE RECEIVED PURSUANT TO SECTION 49-543~~
35 ~~SHALL BE PLACED IN A SEPARATE ACCOUNT AND SHALL ONLY BE USED FOR THOSE~~
36 ~~PURPOSES THAT ARE PRESCRIBED IN SUBSECTION F OF THIS SECTION OR SECTION~~
37 ~~49-551.01. EXCEPT AS PROVIDED IN SUBSECTION F OF THIS SECTION, monies in the~~
38 ~~air quality fund shall be used, subject to legislative appropriation, for:~~

39 1. Air quality research, experiments and programs conducted by or for
40 the department for the purpose of bringing area A or area B into OR
41 MAINTAINING AREA A OR AREA B IN attainment status, improving air quality in
42 areas of this state outside area A or area B and reducing levels of
43 ~~particulate and ozone pollution both inside and outside of vehicle emissions~~
44 ~~control areas of this state EMISSIONS OF PARTICULATE MATTER, CARBON MONOXIDE,~~

1 OXIDES OF NITROGEN, VOLATILE ORGANIC COMPOUNDS AND HAZARDOUS AIR POLLUTANTS
2 THROUGHOUT THE STATE.

3 ~~2. Funding the Arizona clean air fund established by section 41-1516.~~
4 ~~The sum of two hundred fifty thousand dollars shall annually be transferred~~
5 ~~to the fund.~~

6 ~~3. 2. Determining the cause of visual~~ MONITORING VISIBLE AIR
7 POLLUTION AND DEVELOPING AND IMPLEMENTING PROGRAMS TO REDUCE EMISSIONS OF
8 POLLUTANTS THAT CONTRIBUTE TO VISIBLE air pollution in counties with a
9 population of four hundred thousand persons or more according to the most
10 recent United States decennial census.

11 ~~4. Conducting the hazardous air pollutants research program and~~
12 ~~preparing the report as prescribed by section 49-426.08.~~

13 ~~5. 3. Developing and adopting rules in compliance with sections~~
14 ~~49-426.03, 49-426.04, 49-426.05 and 49-426.06.~~

15 ~~6. Conducting a public education program to reduce emissions of ozone~~
16 ~~forming substances in cooperation with Maricopa county and other affected~~
17 ~~parties, including private industries. To the extent possible, this program~~
18 ~~shall be coordinated with other public and private efforts to increase public~~
19 ~~awareness of air quality issues. In addition, the department shall~~
20 ~~accelerate pollution prevention technical assistance efforts pursuant to~~
21 ~~section 49-965, subsection A, paragraph 6. The department shall identify~~
22 ~~sources that emit ozone forming substances and shall establish a~~
23 ~~clearinghouse for information on the supply of products that may be used to~~
24 ~~substitute for substances that contribute to ozone formation.~~

25 ~~D. No disbursement or expenditure of monies in the air quality fund~~
26 ~~may be made for any purposes other than those set forth in subsections C, E~~
27 ~~and G of this section.~~

28 ~~E. D. The department of environmental quality shall transfer four~~
29 ~~hundred thousand dollars from the air quality fund to the department of~~
30 ~~administration for the purposes prescribed by section 49-588 in eight~~
31 ~~installments in each of the first eight months of a fiscal year.~~

32 ~~F. E. This section does not apply to an electrically powered golf~~
33 ~~cart or an electrically powered vehicle.~~

34 ~~G. Monies in the fund do not revert to the general fund. The~~
35 ~~department may make grants to a regional planning agency, county, city or~~
36 ~~town located within a vehicle emissions control area or areas which have~~
37 ~~achieved maintenance status for the purpose of air quality research or~~
38 ~~implementation of programs designed to accomplish the purposes of this~~
39 ~~section.~~

40 F. THE DISBURSEMENT OF MONIES FOR AIR QUALITY CONTROL PROGRAMS AND
41 MEASURES FROM THE MONIES RECEIVED PURSUANT TO SECTION 49-543 SHALL BE
42 PURSUANT TO THIS SUBSECTION. THE MONIES SHALL BE USED FOR PROGRAMS AND
43 MEASURES IN COUNTIES THAT CONTAIN A PORTION OF AREA A OR AREA B. THE
44 DEPARTMENT MAY USE UP TO FIVE PER CENT OF THE ANNUAL REVENUES FOR THE COSTS
45 OF ADMINISTRATION. THE BALANCE SHALL BE USED FOR FUNDING THE FOLLOWING:

1 1. A VOLUNTARY LAWN AND GARDEN EQUIPMENT EMISSIONS REDUCTION PROGRAM
2 ESTABLISHED PURSUANT TO SECTION 49-474.02. FIVE PER CENT OF THE MONIES SHALL
3 BE USED FOR THIS PURPOSE.

4 2. A VOLUNTARY VEHICLE REPAIR AND RETROFIT PROGRAM ESTABLISHED
5 PURSUANT TO SECTION 49-474.03. FIFTEEN PER CENT OF THE MONIES SHALL BE USED
6 FOR THIS PURPOSE.

7 3. THE DIESEL VEHICLE LOW EMISSIONS INCENTIVE GRANT PROGRAM
8 ESTABLISHED BY SECTION 49-551.01. THIRTY PER CENT OF THE MONIES SHALL BE
9 USED FOR THIS PURPOSE. GRANTS FOR FUELS SHALL NOT EXCEED THE INCREMENTAL
10 COST DIFFERENTIAL FROM CONVENTIONAL DIESEL FUEL, EXCLUDING TAXES.

11 4. THE VOLUNTARY ACCELERATED PURCHASE OF TIER 2 AND TIER 3 EQUIPMENT
12 DESCRIBED IN SECTION 49-558. GRANT FUNDING SHALL NOT EXCEED ONE-HALF OF THE
13 INCREMENTAL COST DIFFERENCE BETWEEN THE INITIAL CAPITAL COST OF TIER 2 AND
14 TIER 3 EQUIPMENT AND CONVENTIONAL DIESEL EQUIPMENT. TEN PER CENT OF THE
15 MONIES SHALL BE USED FOR THIS PURPOSE.

16 5. FIFTEEN PER CENT FOR MAKING GRANTS TO FUND THE FOLLOWING
17 ACTIVITIES:

18 (a) A TRAVEL REDUCTION ORDINANCE PROGRAM.

19 (b) A VOLUNTARY NO DRIVE DAY PROGRAM.

20 6. ANY OTHER MEASURES OR PROGRAMS THAT HAVE BEEN EVALUATED BY THE
21 DEPARTMENT. THE EVALUATION SHALL INCLUDE AT LEAST A REVIEW AND ASSESSMENT
22 OF THE HEALTH AND ENVIRONMENTAL IMPACTS OF THE MEASURES OR PROGRAMS. THE
23 DEPARTMENT MAY EVALUATE MEASURES OR PROGRAMS ADOPTED BY OTHER JURISDICTIONS.
24 TWENTY-FIVE PER CENT OF THE MONIES SHALL BE USED FOR THIS PURPOSE. THE
25 DEPARTMENT MAY MAKE GRANTS FOR THE PURPOSES OF THIS PARAGRAPH.

26 7. IF THE AMOUNT OF MONIES AUTHORIZED PURSUANT TO PARAGRAPHS 1 THROUGH
27 6 OF THIS SUBSECTION HAVE NOT BEEN EXPENDED OR ENCUMBERED IN ANY FISCAL YEAR,
28 THE AMOUNT SHALL BE USED FOR FUNDING ANY OF THE PURPOSES DESCRIBED IN THIS
29 SUBSECTION.

30 G. THE ANNUAL REPORT OF THE DEPARTMENT SHALL INCLUDE A SECTION ON THE
31 GRANTS AWARDED PURSUANT TO SUBSECTION F OF THIS SECTION.

32 Sec. 6. Repeal

33 Section 49-551, Arizona Revised Statutes, as amended by Laws 2001,
34 chapter 371, section 14, is repealed.

35 Sec. 7. Title 49, chapter 3, article 5, Arizona Revised Statutes, is
36 amended by adding section 49-551.01, to read:

37 49-551.01. Diesel vehicle low emissions incentive grants;
38 criteria

39 A. THE DEPARTMENT MAY AWARD INCENTIVE GRANTS FROM THE AIR QUALITY FUND
40 ESTABLISHED BY SECTION 49-551 FOR DIESEL VEHICLES:

41 1. TO OPERATE ON ALTERNATIVE FUEL OR CLEAN BURNING FUEL AS DEFINED IN
42 SECTION 1-215.

43 2. TO OPERATE ON ULTRA LOW SULFUR DIESEL FUEL AS DEFINED IN SECTION
44 49-558.01 THAT IS USED IN AN ENGINE WITH AN EMISSION CONTROL DEVICE.

1 3. POWERED BY AN ENGINE THAT MEETS OR EXCEEDS AN EMISSIONS STANDARD
2 FOR DIESEL PARTICULATE MATTER OF 0.05 GRAMS PER BRAKE HORSEPOWER HOUR.

3 B. A VEHICLE THAT IS AWARDED AN INCENTIVE GRANT PURSUANT TO THIS
4 SECTION SHALL MEET THE FOLLOWING CRITERIA:

5 1. THE VEHICLE HAS A GROSS VEHICLE WEIGHT RATING OF AT LEAST SEVENTEEN
6 THOUSAND FIVE HUNDRED POUNDS.

7 2. THE VEHICLE IS NOT A RECREATIONAL VEHICLE AS DEFINED IN SECTION
8 28-3102.

9 3. THE VEHICLE IS REGISTERED IN THIS STATE AND THE INCENTIVE GRANT
10 RECIPIENT SIGNS A STATEMENT, UNDER PENALTY OF PERJURY, THAT IT IS THE
11 RECIPIENT'S INTENT THAT THE VEHICLE WILL BE REGISTERED IN THIS STATE FOR AT
12 LEAST THREE YEARS FROM THE DATE THE VEHICLE IS AWARDED AN INCENTIVE GRANT
13 PURSUANT TO THIS SECTION AND THAT THE RECIPIENT INTENDS TO OPERATE THE
14 VEHICLE MORE THAN FIFTY PER CENT OF THE TIME IN AREA A OR AREA B.

15 4. THE VEHICLE IS SUBJECT TO THE FINANCIAL RESPONSIBILITY REQUIREMENTS
16 PRESCRIBED IN SECTION 28-4032, SUBSECTION A.

17 C. AN INCENTIVE GRANT AWARDED PURSUANT TO THIS SECTION SHALL PROVIDE
18 FOR REAL AND QUANTIFIABLE EMISSIONS REDUCTIONS. ENGINE RETROFIT OR
19 CONVERSIONS MAY MEET THE REQUIREMENTS OF SUBSECTION A OF THIS SECTION IF THEY
20 HAVE BEEN APPROVED FOR USE BY ANY ONE OF THE FOLLOWING:

21 1. THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY VOLUNTARY
22 RETROFIT PROGRAM.

23 2. THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY VERIFICATION
24 PROTOCOL FOR RETROFIT CATALYST PARTICULATE FILTER AND ENGINE MODIFICATION
25 CONTROL TECHNOLOGIES FOR HIGHWAY AND NONROAD USE DIESEL ENGINES.

26 3. THE CALIFORNIA AIR RESOURCES BOARD DIESEL EMISSION CONTROL STRATEGY
27 VERIFICATION PROCEDURE.

28 4. SECTIONS 43100 AND 43102 OF THE HEALTH AND SAFETY CODE OF THE STATE
29 OF CALIFORNIA.

30 5. ACTUAL EMISSION TESTING PERFORMED ON THE VEHICLE.

31 D. NOTWITHSTANDING SUBSECTION B, PARAGRAPH 4 OF THIS SECTION, THE
32 DIRECTOR MAY AWARD INCENTIVE GRANTS FOR SCHOOL BUSES AND MUNICIPAL VEHICLES
33 THAT OTHERWISE MEET THE REQUIREMENTS OF SUBSECTION B OF THIS SECTION.

34 Sec. 8. Conditional delayed repeal

35 A. Section 49-551.01, Arizona Revised Statutes, as added by this act,
36 is repealed from and after the later of either of the following:

37 1. June 30, 2005.

38 2. One year before the beginning production date for the standard for
39 diesel fuel of a maximum sulfur limit of 15 parts per million, as contained
40 in the United States environmental protection agency rule relating to the
41 control of air pollution from new motor vehicles: heavy duty engine and
42 vehicle standards and highway diesel fuel sulfur control requirements; final
43 rule, as published in the federal register volume 66, number 12, January 18,
44 2001, pages 5001-5050.

1 B. If the condition in subsection A, paragraph 2 of this section
2 becomes operative, the director of the department of environmental quality
3 shall promptly notify the director of the legislative council, the governor,
4 the president of the senate and the speaker of the house of representatives
5 in writing what the revised beginning production date is and the federal
6 register citation that makes the change.

7 Sec. 9. Section 49-555, Arizona Revised Statutes, is amended to read:

8 49-555. Retrofit of diesel vehicles

9 Vehicles ENTITIES subject to the provisions of sections 9-500.04,
10 15-349, 41-803, 49-474.01 and 49-573 shall comply with the following time
11 schedule for retrofitting their existing diesel vehicles:

- 12 1. Twenty-five per cent of the diesel fleet vehicles by December 31,
13 1998.
- 14 2. Forty per cent of the diesel fleet vehicles by December 31, 1999.
- 15 3. Sixty per cent of the diesel fleet vehicles by December 31, 2000.
- 16 4. Eighty per cent of the diesel fleet vehicles by December 31, 2001.
- 17 5. One hundred per cent of the diesel fleet vehicles by December 31,
18 2002.

19 Sec. 10. Laws 1988, chapter 252, section 27 is amended to read:

20 Sec. 27. Appropriations

21 A. The sum of three hundred sixty-five thousand two hundred dollars
22 is appropriated from the state general fund in fiscal year 1988-1989 to the
23 department of weights and measures to accomplish the purposes of this act.

24 B. The sum of two hundred thousand dollars is appropriated from the
25 air quality fund established by section 49-551, Arizona Revised Statutes, to
26 the department of transportation during fiscal year 1988-1989 for the
27 purposes of funding the studies and reports required by sections 49-404,
28 49-405 and 49-406, Arizona Revised Statutes, as added by this act.

29 C. The sum of one hundred seventy-seven thousand dollars is
30 appropriated from the air quality fund, established by section 49-551,
31 Arizona Revised Statutes, to the department of environmental quality during
32 fiscal year 1988-1989 for the purpose of funding the studies and reports
33 required by section 49-553, Arizona Revised Statutes.

34 D. The sum of twenty thousand dollars is appropriated from the air
35 quality fund established by section 49-551, Arizona Revised Statutes, to the
36 air quality compliance advisory committee during fiscal year 1988-1989 for
37 the purposes prescribed by section 49-403, Arizona Revised Statutes, as added
38 by this act.

39 ~~E. The director of the department of environmental quality shall make~~
40 ~~grants in an amount determined by the director from the air quality fund to~~
41 ~~fund a trip reduction ordinance that is established in a county with a~~
42 ~~population of four hundred thousand or more persons.~~

43 ~~F. The director of the department of environmental quality shall make~~
44 ~~grants in an amount determined by the director from the air quality fund~~
45 ~~established by section 49-551, Arizona Revised Statutes, to fund voluntary~~

1 ~~no drive day programs that are established in a county with a population of~~
2 ~~four hundred thousand or more persons.~~

3 Sec. 11. Description of funding source; purpose; notification

4 A. The funding described in section 15-349, Arizona Revised Statutes,
5 as amended by this act, for the purpose of implementing a vehicle fleet plan
6 for school districts, relating to vehicles with a gross vehicle weight rating
7 of at least seventeen thousand five hundred pounds, may be from any of the
8 following sources:

9 1. The Arizona clean air fund, established pursuant to section
10 41-1516, Arizona Revised Statutes, as administered by the department of
11 commerce.

12 2. The clean air fund, established pursuant to title 49, Arizona
13 Revised Statutes, as administered by the department of environmental quality.

14 3. The portion of the air quality fund, established by section 49-551,
15 Arizona Revised Statutes, as administered by the department of environmental
16 quality, that receives monies from the fees established pursuant to section
17 49-543, subsection B, paragraph 2, Arizona Revised Statutes.

18 B. The joint legislative budget committee shall promptly notify the
19 governor, the president of the senate and the speaker of the house of
20 representatives when any of the funding sources identified in subsection A
21 of this section become operative.

22 Sec. 12. Conditional schedule revision

23 Notwithstanding section 15-349, Arizona Revised Statutes, as amended
24 by this act, if the beginning production date for the standard for diesel
25 fuel of a maximum sulfur limit of fifteen parts per million, as contained in
26 the United States environmental protection agency rule relating to the
27 control of air pollution from new motor vehicles: heavy duty engine and
28 vehicle standards and highway diesel fuel sulfur control requirements; final
29 rule, as published in the federal register, volume 66, number 12, January 28,
30 2001, pages 5001 through 5050, is revised by adding more than one year to the
31 beginning production date, the schedule for implementing a vehicle fleet plan
32 for school districts shall be as follows:

33 1. The plan shall provide for at least sixty per cent of the fleet
34 with a gross vehicle weight rating of at least seventeen thousand five
35 hundred pounds to operate on the fuels listed pursuant to section 15-349,
36 subsection A, Arizona Revised Statutes, as amended by this act, by December
37 31, 2005.

38 2. The plan shall provide for at least seventy-five per cent of the
39 fleet with a gross vehicle weight rating of at least seventeen thousand five
40 hundred pounds to operate on the fuels listed pursuant to section 15-349,
41 subsection A, Arizona Revised Statutes, as amended by this act, by December
42 31, 2006, and each year thereafter.

43 Sec. 13. Effective date

44 This act is effective from and after June 30, 2003.

APPROVED BY THE GOVERNOR MAY 22, 2002.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 23, 2002.

Passed the House April 9, 2002,

by the following vote: 48 Ayes,

6 Nays, 6 Not Voting

Jake Flake
Speaker of the House
Pro Tempore

Norman L. Moore
Chief Clerk of the House

Passed the Senate May 6, 2002,

by the following vote: 22 Ayes,

5 Nays, 3 Not Voting

Richard Smith
President of the Senate

Charmion Bellington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

 day of , 20 ,

at o'clock M.

Secretary to the Governor

Approved this day of

 , 20 ,

at o'clock M.

Governor of Arizona

H.B. 2560

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this day of , 20 ,

at o'clock M.

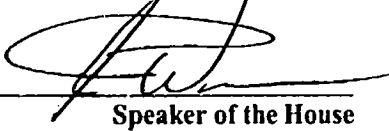
Secretary of State

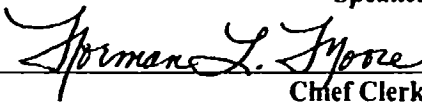
HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

May 16, 2002,

by the following vote: 42 Ayes,

15 Nays, 3 Not Voting


Speaker of the House

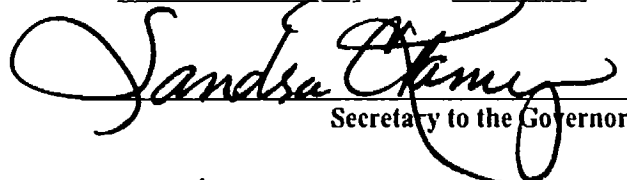

Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

16 day of May, 2002


at 3:00 o'clock P. M.


Secretary to the Governor

Approved this 22 day of

May, 2002,

at 4:40 o'clock P. M.


Governor of Arizona

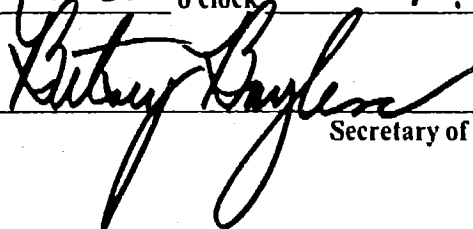
H.B. 2560

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 23 day of May, 2002,

at 3:23 o'clock P. M.


Secretary of State